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Classical Philology

VOLUME IX

October 1914

NUMBER 4

PLATO'S *LAWS* AND THE UNITY OF PLATO'S THOUGHT. I

By PAUL SHOREY

In spite of Lucian's sneer, "colder than Plato's *Laws*," the masterpiece of Plato's old age was more closely studied and intelligently appreciated in antiquity than it is today. It has happened to eminent modern scholars to deal with verbatim quotations or obvious reminiscences of the *Laws* with no recognition of their source. It has been a commonplace of criticism to contrast its prosy preachments and tediously minute prescriptions with the fresh, dramatic charm of the minor dialogues and the large poetic idealism of the *Republic*. Critics who have lost their way between the comprehensive design and the labyrinthine detail have pressed a few confused or corrupt passages,¹ a few awkward periods, a few abrupt or strained transitions² into the service of the thesis that it is an incoherent aggregation of fragments put together by some Philip of Opus out of Plato's *Nachlass*. Deviations from the *Republic* required by the very design of the work, its *ὑπόθεσις*, as Isocrates,³ Plato,⁴ and Aristotle⁵ would put it, are exploited as evidences of a fundamental revolution in Plato's social and political opinions. The custom, in

¹ E.g., 934C.

² Chiefly in Book xi and in Book xii as far as 958C. Plato himself apologizes, 922B: *ταῦτα δὲ δὴ μετὰ τὰ νῦν εἰρημένα ἀναγκαῖον ἀμῶς γέ πως τάξασθαι*.

³ *Panegyrr. passim*.

⁴ *Rep.* 550C; *Laws* 743C, 812A, etc.

⁵ *Politics passim*; cf. 1269a 32.

systematic expositions of the Platonic philosophy, of relegating the *Laws* to an appendix, as it were, and the neglect of countless definite coincidences of thought and formula with the more dramatic dialogues have confirmed the impression that the fullest and most explicit enunciation of Plato's teaching is of interest only to professional philologists. Its noble and stately, if sometimes monotonous, *ῥητορεία* has been confounded with the flat, unraised style of the epistles or the solemn and cumbrous preciousness of the *Epinomis* for the maintenance of the genuineness of those plausible imitations. A few petulant Carlylean declamations, a few wilful Ruskinian boutades,¹ have completely blinded liberals of the school of Grote and Gomperz to the true historical significance of this unique combination of an Aristotelian wealth of good sense, political wisdom, and discriminating observation with a divinatory insight and a depth of Hellenic feeling that forever elude the dialectical net and the would-be exhaustive categories of the semi-alien encyclopedist. The repetitions,² the apologies for digressions,³ the allusions to the weakness of old age,⁴ the self-checks,⁵ and the self-praise⁶ have provoked comparisons with the senile maunderings and self-complacency of Isocrates' latest work.

Deprecation of this injustice does not commit us to the paradox that the *Laws* portrays persons with the dramatic poignancy of the *Protagoras* and *Gorgias*, or embodies abstractions with the high imaginative vision of the *Republic*. There are tedious tracts. There is something of the didacticism, the repetitiousness, the self-complacency and at the same time the hopelessness, if not the moroseness, of old age. The years have altered not only the emphasis of Plato's moods but perhaps some of his minor opinions. The style, with some gains, has lost flexibility, simplicity, and colloquial charm. Little tricks of manner have passed into mannerisms.⁷

It is a question of degree, of the weight to be attributed to these things in the interpretation of Plato's philosophy and the history

¹ 704, 742C, 769B, 908-9, 929D, 937-38, 952D, 829D.

² 659D, 688B, 699C, 733=662-63, 740E, 743E, 754C, 770C, 774C, 812A, 822E, 876D, 887B.

³ 642A, 682E, 701D, 864C.

⁵ 701C, 722D, 803BC, 857B.

⁴ 752A, 770A, 846C, 855D, 957A.

⁶ 683C, 699D, 811CD.

⁷ τάχ' ἂν ἴσως; ἢ καί; ἀμῶς γέ πως; τινὰ τρόπον αὖ; ἢ πῶς; τό γε τοσοῦτον.

of his personal development. I think that recent criticism has overemphasized them, and I shall endeavor to show in this study: (1) that the *Laws* is in Plato's conception essentially finished, and is on the whole as well composed as is any equally long and fact-laden treatise in ancient—or in modern—literature; (2) that the slight and easily explicable divergencies from the thought of the *Republic* are completely outweighed by all-pervading correspondences in principle and in detail; (3) that allusions to methods and ideas of the dialectical dialogues, and explicit solutions of problems dramatically presented in the minor dialogues, make the work almost a complete compendium of the Platonic philosophy; (4) that the precision, the stately rhythm, the religious unction of the style deserve to be studied for themselves and not merely as foils to the more obvious charms of the earlier dialogues.

I cannot, of course, hope to present many facts that have not been singly observed by others. But the collections, though making no claim to exhaustiveness, may be of some interest even to those who do not accept my main theses.

The existence of the *Republic* prescribed for an artist of Plato's versatility a different design for any subsequent treatise on politics and sociology. He was no Isocrates to spend forty years redeveloping the topics and diluting the ideas of the prize composition that "had beggared him." Fundamental truth must, of course, be repeated. But many things he had said once for all, and could thenceforth take for granted by implication and allusion. The formal demonstration of the thesis of the *Gorgias* that virtue and happiness coincide, the censure of Homeric theology,¹ the definition of the virtues in partial resolution of the ἀπορίαι of the minor dialogues, the psychology and pedagogy of the scientific studies of the Academy as a propaedeutic to dialectics, the embodiment in a series of poetical allegories of the regulative concept of the idea of good—these topics, occupying more than half of the *Republic*, are, as we shall see, presupposed and, when required by the argument, repeated in the *Laws*. But an explicit rediscussion of them was not called for except on the assumption that Plato had changed his opinions,

¹ *Laws* 886C briefly dismisses this topic. But cf. 636D and 941B with *Rep.* 378B.

which is begging the very question at issue. Nor can we expect him to rewrite such a masterpiece of art as the evolution of democracy and tyranny out of the ideal state in the eighth book,¹ or to recast the eschatological myth that crowns the whole. In the *Gorgias* and the *Phaedo* Plato had already preluded to this incomparable Vision of Judgment. And after the Story of Er anything that even he could have composed on this theme as a conclusion to the *Laws* would have been an anti-climax. He therefore incorporates the "sanction" of the idea of immortality in his main argument by a few explicit references,² fills the space which its fuller exposition would have occupied with the theodicy of the tenth book, and concludes his latest work, not on a high poetic and religious climax, but with an almost pathetically patient and lucid summary of the simple principles of his lifelong teaching and his political philosophy.

The *Republic* was the definitive poetic embodiment of the parallel and antithesis between the ethical and political ideal which is an object of seemingly vain quest in the minor dialogues and that of the Athenian democracy and the sophists and demagogues who exploited it for their own ends. To this exhausted theme Plato could not well return for many years, and then only on a more prosaic and matter-of-fact level. The *Politicus* is in the main a study of method—a contribution both to general logic³ and the special logic of politics.⁴ Taking up the old postulate of a royal or political art⁵ and the old parallel or antithesis between the true art or science and the arts of flattery of the demagogue, the rhetorician, and the sophist,⁶ it defines the statesman by successive eliminations of all rivals and pretenders to his function.⁷ A myth presents and regretfully dis-

¹ Macaulay, who had little appreciation of Plato's higher flights, says: "I remember nothing in Greek philosophy superior to this in profundity, ingenuity, and eloquence."

² 727D, 870D, 828D, 881A, 927A, 959B.

³ 286D: πολὺ δὲ μάλιστα καὶ πρῶτον τὴν μέθοδον αὐτὴν τιμᾶν; cf. 262D, 265A, 266D, 278E, 285A, 285D: τοῦ περὶ πάντα διαλεκτικώτερος γίγνεσθαι; cf. *Laws* 638E.

⁴ 274E and 275C with *Rep.* 426D.

⁵ *Euthydem.* 291BC; *Charm.* 170B; *Protag.* 319A; *Gorg.* 501AB, 503D; *Rep.* 428D; *Polit.* 289C, 293D, 309C.

⁶ *Gorg.* 464–65 and *passim*.

⁷ This motive appears "already" in *Euthydem.* 289–90. Cf. also *Phaedr.* 266C: βασιλικοὶ μὲν ἄνδρες, etc.

misses the impracticable ideal of an all-wise autocrat, the divine shepherd of a simple¹ human flock. The method of definition by elimination is illustrated in a sequence of images drawn from weaving and mining. And the continued analogy of the art of weaving suggests the representation of the true statesman's function in the Aristophanic² image, that it is his task to combine the purified warp and woof of social tissue in the robe of perfect citizenship.³ Here, as in the *Republic* and the *Laws*,⁴ the chief means to this end is the control of education.⁵ But in the elaboration of the image Plato is led to emphasize another thought, repeated in the *Laws*⁶ but, as it happens, not explicitly mentioned in the *Republic*,⁷ the eugenic problem of breeding the desirable mean by the mating of opposite extremes.⁸

Apart from this, alleged differences from the *Republic* are mostly misapprehensions. The classification of the six (or seven) forms of government⁹ is, like all classifications and definitions in Plato, relevant to the special purpose and context.¹⁰ When this is recognized the apparent inconsistency with the quadripartite classification of the *Republic* and the bipartite division of the *Laws*¹¹ disappears. Aristotle, as often, follows Plato while pretending to differ from him.¹²

¹ 275A, 275C, 276E; cf. *Laws* 678A = *Polit.* 272A, 678B; *Rep.* 372E.

² *Lysistrata* 586: τῷ Δήμῳ χλαῖναν ὑφῆναι.

³ Cf. also *Laws* 734E.

⁴ *Rep.* 416B, 423E: ἐὰν . . . ἐν μέγα φυλάττωσι . . . τὴν παιδείαν. *Laws* 641B = 644A; 765E = 788D = *Rep.* 377A; 752C = *Rep.* 541A; 788; 804D; 832D: ἡ τοιαύτη κατάστασις πολιτείας μόνῃ δέξαιτ' ἂν τῶν νῦν τὴν διαπερανθεῖσαν παιδείαν.

⁵ It is not, as sometimes affirmed, the reconciliation of the two temperaments by the marriage of unlikes. Plato distinctly assigns the second and inferior place to this measure: 309C, 310A: τοὺς μὲν λοιποὺς, ὄντας ἀνθρωπίνους δεσμούς, ὑπάρχοντος τούτου τοῦ θείου σχεδὸν οὐδὲν χαλεπὸν οὔτε ἐννοεῖν οὔτε ἐννοήσαντα ἀποτελεῖν.

⁶ 773B.

⁷ It may be vaguely covered by 458E: εἰεν δ' ἂν ἱεροὶ [sc. γάμοι] οἱ ὠφελιμώτατοι = τὸν γὰρ τῇ πόλει δεῖ συμφέροντα μνηστεύειν γάμον (*Laws* 773B).

⁸ The *Republic* merely breeds from the best; but those have already been selected and educated to harmonize the two temperaments.

⁹ 301-2.

¹⁰ Cf. *Unity of Plato's Thought*, 13, 16, n. 86, and "Note on the *Menezexenus* 238D," *Class. Phil.*, V, 361.

¹¹ 693D.

¹² *Pol.* 1289b 5: ἤδη μὲν οὖν τις ἀπεφάνητο καὶ τῶν πρότερον οὕτως οὐ μὴν εἰς ταῦτ' ἀβλέψας ἡμῖν.

Isocrates also took a hand in the game, and his treatment of the topic reinforces the lesson of the *Menexenus* passage, that it is uncritical to press these purely literary variations on the commonplace Greek distinction of the good or bad government of the one, the few, or the many, and the conventional or etymological significance of such words as ἀριστοκρατία and ὀλιγαρχία.¹ The rejection in *Politicus* 262D of the antithesis, Greek-Barbarian, is sometimes taken as a contradiction of the distinction in *Republic* 469–71 between war with Greeks and war with Barbarians. But it is no more a recantation of this normal Greek feeling than 263D is an abandonment of the distinction between men and cranes. The significance of both passages in the *Politicus* is logical, with a touch of transcendental irony toward all human pretensions. But the natural Pan-Hellenic patriotism of the *Republic* and the *Menexenus*² reappears unchanged in the *Laws*.³ We shall discuss below⁴ the emphasis laid in the *Politicus* and *Laws* on one other idea not quite explicitly set forth in the *Republic*. But the entire method is uncritical, and by parity of reasoning we might infer that at the date of the *Politicus* Plato had abandoned the communistic ideal which he reaffirms in the *Laws*⁵ and, since he does not mention it, no longer hates the plutocracy which he so eloquently denounces in both *Laws* and *Republic*.⁶

The *Laws*, though in form a workable project of legislation for a conceivable Greek city, remains, after all, in some sort a Utopian romance, as Mr. Wells, perhaps rightly, believes every constructive sociological treatise must be. It is a myth,⁷ a fairy tale, a game to beguile an old man's leisure.⁸ Plato is entirely conscious of this,⁹

¹ Cf. my review of Taylor's *Varia Socratica*, *Class. Phil.*, VI, 361, and the subsequent discussion of the subject, *ibid.*, VII, 85 ff.

² 239–41.

⁴ Pp. 357 ff.

³ 698B–99D.

⁵ 739C, 807B.

⁶ 705, 742, 831, 870, etc.; *Rep.* 373E, 421DE, 434B, 550E, 591D; note ἀπειρον 373E, 591D. *Laws* 705, 742, 831, 870, etc.; *Ar. Pol.* i. 3. p. 1256b 32 and the non-enforcement of money contracts, *Rep.* 556A = *Laws* 742C, 849E, 915E; also πλοῦτος οὐ τυφλός 631C = *Rep.* 554B; prohibition of gold and silver, 742A = *Rep.* 416E.

⁷ 632E, 752A, 841C; *Rep.* 376D, 501E.

⁸ 685A; cf. *Phaedr.* 276E; 712B, 769A.

⁹ 746B: μηδ' αὐτὸν δοκεῖτέ με λεληθέναι.

and while reaffirming the ideals of the *Republic* as ideals¹ protests, for most of his modern readers in vain, against the misconception that he anticipates any precise or pedantic realization even of his second-best² state.³ He repeats with appropriate qualifications all that he had said in the *Republic* of the value of even unattainable ideals as patterns,⁴ regulative concepts, and expressions of the controlling unity of moral purpose that distinguishes the statesman from the opportunist and the charlatan.⁵ He cannot forego the vision of a reformed society, a city of God in the heavens⁶ or somewhere on earth in the infinite past or future,⁷ though he is as well aware as his critics that it is, perhaps, what it must needs appear to the practical man, an aspiration, a castle in the air, a day dream,⁸ a creation which, when his dialectic and the *saeva indignatio* of his moral eloquence have shattered to bits the politician's world of Callicles and Thrasymachus, he can mold as in wax⁹ nearer to his heart's desire, only because the word is, in the proverb's despite,¹⁰ nearer and more plastic to the ideal truth of the conception than the deed can ever be.¹¹ He anticipates all that modern objectors have to say on the complication of the causes that determine the actual operation of the best-intentioned enactments.¹² Man is the most unruly of animals, the most difficult to educate and subdue to discipline.¹³ Plato clearly foresees the recalcitrance of average and historically determined human nature¹⁴ to the arbitrary prescriptions

¹ 739, 807.

² 739B, 807B, 807E; cf. *Polit.* 297E: ὡς δεύτερον, 300C: δεύτερος πολῖταις.

³ 781D: εἰ δὴ δοκεῖ λόγου γ' ἔνεκα μὴ ἀτυχεῖν τὸν περὶ πάσης τῆς πολιτείας γενέσθαι λόγον. 739DE shows that the number 5,040 is not to be taken superstitiously, nor very seriously, except as an embodiment of the idea incorporated in modern metric systems. Cf. 746DE.

⁴ *Rep.* 472C, 592B; *Laws* 739E, 746B.

⁵ 625E, 630C, 688B, 693B, 706A, 717A, 733CD, 962A; *Rep.* 484C, 500DE, 520C; *Gorg.* 503E, 501C, 517, 518.

⁶ *Rep.* 592AB.

⁷ *Rep.* 499C; *Laws* 739C: εἴτ' ἔσται ποτέ; 711E.

⁸ *Rep.* 458A, εὐχή; 450D, 456C, 499C.

⁹ 746A: σχεδὸν οἷον ὀνείρατα λέγων, ἣ πλάττων καθάπερ ἐκ κηροῦ τινα πόλιν καὶ πολίτας; *Rep.* 588D: ἐπειδὴ εὐπλαστότερον κήρου . . . λόγος.

¹⁰ *Rep.* 473A: κὰν εἰ μὴ τῷ δοκεῖ.

¹² 636A; *Polit.* 294B.

¹¹ 636A, 736B, 778B.

¹³ 766A, 808D; *Polit.* 292D.

¹⁴ 684DE, 752B, 779E, 781B, 788A-90A, 839B, 922D, 925D: ἀ μὲν ἐν ἀνθρώποις ἐμπόδια γίγνεται τοῖς τοιοῦτοις ἐπιτάγμασιν τοῦ μήτινα ἐθέλειν πείθεσθαι; 926C.

of a self-appointed dictator who seeks to overrule the chance or Providence,¹ the necessity or Lucretian *caeca potestas*² that actually governs the life of man, makes sport of the calculations of human wisdom, and with unforeseen accident doth

Divert and crack, rend and deracinate
The Unity and married calm of states
Quite from their fixure!

He renews his challenge to hasty censors to allow the artist to work out his hypothesis as a consistent whole and judge him by the finished result.³ He admits with high-sorrowful skepticism that the coherency and moral purposiveness of his design is all that in the last resort he can affirm⁴—except perhaps his unshaken faith in the moral government of the world,⁵ and his conviction that in the right education, whatever it be, lies the only hope of betterment.⁶ For adamant⁷ as is his reasoned assurance, he yet is aware that the highest good is the affirmation of a personal vision which those who will may contradict, since, as Pindar says: τοῦτο δ' ἀμάχανον εὐρεῖν | ὅ τι νῦν ἐν καὶ τελευτᾷ φέρτατον ἀνδρὶ τυχεῖν. He would admit with Jean Paul that we may deliberate about the parts of life but not about the whole. "Oh Crito, those who are fixed in this faith can hold no conference with those who reject it, but they must of necessity despise one another's counsels."⁸ "Decide then forthwith," says the Socrates of the *Republic*, "to which party you address your words, or shall it be to neither, but will you follow out for your own sake your own thought, not grudging another who may haply profit thereby?"⁹

It is customary to attribute the less buoyant tone of the *Laws*

¹ 686B, 709B.

² 741A, 709AB.

³ 746CD, 799E, 805B, 812A, 820E, 768D, 842A.

⁴ 641D, 812A; cf. *Rep.* 416B, 450E–51A, 506C, 533A, 517B: θεὸς δέ που οἶδεν, εἰ ἀληθὴς οὖσα τυγχάνει = *Laws* 641D; cf. *Tim.* 72D.

⁵ *Laws* 662B, 903–4.

⁶ *Rep.* 416BC: τῆς ὁρθῆς τυχεῖν παιδείας, ἥτις ποτὲ ἐστίν; *Laws* 788C: τήν γε ὁρθήν.

⁷ *Gorg.* 509A; *Rep.* 360B; 618A.

⁸ *Crito* 49D.

⁹ *Rep.* 527E.

and its compromises of the good with the necessary¹ to the disappointments of Plato's Sicilian experiences and the failure of his idealistic faith and hope. The suggestion can do no harm provided the texts are not distorted in its support. But it remains for sober criticism a superfluous hypothesis. The inevitable decay of the imagination in old age, and the literary motives already glanced at, the *ἀνάγκη λογογραφική*, amply account for all significant differences between the *Republic* and the *Laws*. The ideal principles of social reform having been once adequately expounded, it remained to portray their plausible application to a conceivable Greek city. Such a hypothesis necessitated an immense mass of superadded detail,² and a more matter-of-fact treatment. Old age doubtless diminished Plato's elasticity of feeling, and his mood may have been permanently saddened by the death of Dion. But all the notable pessimistic utterances of the *Laws* can be closely matched from the *Republic*.³ It is the height of naïveté to suppose that Plato really expected to establish the kingdom of philosophy in Sicily. The most rudimentary literary art would forbid the explicit admission within the *Republic* that the heavenly city was a mere Nephelococcygia. But the argument that his ideal is not wholly chimerical⁴ is so hedged about with qualifications and reserves⁵ that the intelligent reader has little difficulty in apprehending, as Kant apprehended it, the true meaning of the final sentence:⁶ "It makes no difference whether it anywhere now exists or ever is to be. The philosopher will concern himself with the politics of this city and no other." Here, as often, the unscholarly divination of Emerson comes plump upon the truth: "He did not, like Pythagoras, break himself with an institution. All his painting in the *Republic* must be esteemed

¹ 739, 740A, 853C, 875CD, 948CD; cf. 628D, 758E, 858A; *Rep.* 347C, 358A, 493C, 520E, 527A.

² See the list of omissions in *Rep.* 425CD, 412B. The polity of the *Laws*, too, as we shall see, dispenses with much that ordinary states require. Cf. 842CD.

³ 379C, 496DE, 516D, 486A, 500BC, 604B: οὔτε τι τῶν ἀνθρωπίνων δέξιοις ὃν μεγάλης σπουδῆς = *Laws* 803B; cf. *Laws* 644D and 803C.

⁴ 499C: ἄλλως εὐχαῖς ὁμοια; cf. 540D; cf. *Laws* 839D: ὡς δ' οὖν οὐκ ἔστιν ὑπὲρ ἀνθρώπων.

⁵ 450C ff., 457D, 458AB, 466D, 472A, 520A-C.

⁶ 592B.

mythical, with intent to bring out, sometimes in violent colors, his thought. You cannot institute, without peril of charlatanism."¹

But though Plato's sober judgment was subject to no illusions, the exigencies of his literary design and the impatience inseparable from the world-bettering temper led him in both the *Republic* and the *Laws* to the affirmation of two dangerous Utopian principles, the abuse of which by the disciples of Rousseau and Carlyle has reflected some discredit on the author. The historical spirit rejects his assumption of the unlimited plasticity of actual and secularly evolved human nature. And modern liberals condemn his invocation of the benevolent autocrat as the *deus ex machina* of reform. Our present concern is not to apologize for either of these ideas, but to point out the relative justification of Plato's literary use of them, and to show that the *Republic* and the *Laws* do not appreciably differ in their statement.

The Greek *πόλις* was in fact far more plastic to a dominating personality than the huge modern *ἔθνος* ever can be. Isocrates, like Plato, dwells with complacency on the power of the mere example of the Prince to transform the fashion of life and conduct in the citizens.² And with the mythical or real cases of Lycurgus and Solon³ in mind, Plato found abundant confirmation for the postulates that the "Lawgiver" can mold human nature to his pattern,⁴ that the second generation if not the first can be made to accept any teaching that it is desirable for them to believe,⁵ and that a unanimous public opinion created by education⁶ and preserved by laws that forbid its contradiction⁷ can subdue instinct⁸ and hold in check the desire for innovation.⁹

¹ *Plato: New Readings*.

² *Isoc. Or.* ii. 31; iii. 37; vii. 22; *Plato Laws* 711B.

³ *Polit.* 295BC obviously alludes to Solon.

⁴ *Rep.* 501A, 500D: ἃ ἐκεῖ ὁρᾷ . . . εἰς ἀνθρώπων ἡθὴ τιθέναι . . . δημιουργὸν τῆς δημοτικῆς ἀρετῆς; cf. 377C.

⁵ *Rep.* 541A, 415CD; *Laws* 752C, 663E; Σιδωνίου μυθολόγημα . . . παράδειγμα τοῦ πείσειν ὃ τι ἀνέπιχειρῇ τις πείθειν τὰς τῶν νέων ψυχὰς = *Rep.* 414C. In 781-83 there is a hint of the argument which modern reformers draw from evolution and the changes which it has wrought in human nature. Cf. 676C.

⁶ 665C, 643D, 653A-C; *Rep.* 367A, 378D, 463D, 464A.

⁷ 838CD, 798B, 660E; cf. *Rep.* 392A.

⁸ 838B: συμκρὸν ῥῆμα κατασβέννυσσι πάσας τὰς τοιαύτας ἡδονάς.

⁹ 657B, 797CD.

From this it is but a step to the doctrine of the all-wise autocrat that has given so great offense to liberal critics who make no allowance for its function in the literary economy of Plato's romances,¹ and who fail to distinguish the different forms which it assumes, and the qualifications by which it is limited. In the form of the famous dictum that either philosophers must become kings or kings philosophers,² it is merely the demand that the state be governed by the highest available intelligence,³ which is of necessity the possession of a few, however democratically selected and trained.⁴ This, though Plato is not always careful to mark the distinction, should not be confused with the invocation of a converted autocrat to bring about the revolution and inaugurate reform. That thought, too, appears in *Republic* 502B: εἰς ἱκανὸς γενόμενος πόλιν ἔχων πειθομένην.⁵ It assumes the form of wilful paradox in *Laws* 709E: τυραννουμένην μοι δότε τὴν πόλιν. This outrages the liberal sentiments of Grote and Mill as much as it surprises the natural Greek feeling of the interlocutors Megillus and Cleinias.⁶ They overlook the fact that the virtuous youthful tyrant is simply an ideal postulate of method, an εὐχὴ⁷ with which Plato pleases his imagination even while recognizing its impracticability as a continuing form of government so long as human nature remains what it is.⁸ All apparent inconsistencies are due to the fact that Plato cannot forbear to oppose to the liberal politician's conception of government by plausible palaver, under the forms of law,⁹ the old Socratic ideal of government as an art and science, the autocratic discretion of the

¹ Cf. the Demiourgos of the *Timaeus* and the Lawgiver of language in the *Cratylus*.

² *Rep.* 473C. But in 540D the idea of the revolution that establishes the reformed state is more prominent. With ἔρωσ ἐμπέση, 499C, cf. *Laws* 711D.

³ 714A: τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον; cf. 645B, 890D, 957C; *Polit.* 297B.

⁴ *Rep.* 428E, 491B, 494A, 503B; *Laws* 818A; *Polit.* 292E, 297BC, 300E.

⁵ By implication also in *τίνας ἂν σμικροτάτου μεταβαλόντος*, 473B.

⁶ 711A; cf. *Polit.* 293E.

⁷ 709D.

⁸ 691C, 692B, 713C, 854A, 875B, 947E; *Polit.* 274E, 301C, 301D. The *Republic* differs, if at all, only in the assertion, required by the ὑπόθεσις that no one can affirm ὡς δὲ ἐν παντὶ τῷ χρόνῳ . . . οὐδ' ἂν εἰς σωθῆιη, 502A. The objection of *Polit.* 301D that the human swarm does not breed the "king" bee is anticipated in *Rep.* 520C.

⁹ *Gorg. passim*; *Phaedr.* 260CD=*Rep.* 493B; *Polit.* 298BC, 300A.

true shepherd, pilot, or physician.¹ But though he everywhere reaffirms the Carlylean proposition, that it is better for the unwise, whether they consent or not, to be ruled by the wise,² in practice he estimates governments not only by their wisdom and disinterestedness, but by the rejected criteria of subordination to law and the consent of the governed.³ *Laws* 627E, 690C: καίτοι τοῦτό γε, ὦ Πίνδαρε σοφώτατε, σχεδὸν οὐκ ἂν παρὰ φύσιν ἔγωγε φαίην γίγνεσθαι κατὰ φύσιν δὲ τὴν τοῦ νόμου ἐκόντων ἀρχὴν ἀλλ' οὐ βίαιον πεφυκυῖαν.⁴ For though the conjunction of supreme power with the highest wisdom is, if we could have our wish, the nearest way to the goal, and though the possibility of one such virtuous tyrant in the infinite past or future redeems the ideal city from mere visionariness,⁵ human nature, as we know it, is always corrupted by arbitrary power.⁶ Wistfully as we contemplate so potent an instrument for good we must renounce it.⁷ To include it in our political definitions and estimates is to confound the age of Cronos with the age of Zeus,⁸ the divine ruler with the human, the king with the tyrant.⁹ The best human government is that which "imitates"¹⁰ the divine king, substituting the rigid approximations of Law for his flexible scientific discretion, and replacing his disinterested care for his charges by the spirit of devotion to laws devised for the common weal.¹¹

¹ *Laws* 684C; *Polit.* 296B, 293D.

² *Rep.* 590D; *Polit.* 296B; *Laws* 684C.

³ Cf. *Polit.* 300 ff. The citizens even of the *Republic* are not slaves, but free men, whose rulers are their helpers and guardians. Cf. 417AB, 547C.

⁴ I have omitted Burnet's comma after δέ. It obscures the meaning, which many interpreters have missed, and which is made clear by the similar turn in *Gorg.* 484E: κατὰ φύσιν τὴν τοῦ δικαίου, where there is no comma. This is almost a mannerism in the *Laws*; cf. 853A, 857D, 923B.

⁵ *Rep.* 502B.

Polit. 300C ff.

⁶ *Supra*, p. 355, n. 8.

⁸ *Ibid.* 274E; *Laws* 713E.

⁹ *Polit.* 276E; *Rep.* 576D, 587B.

¹⁰ This wilful generalization of the word is characteristic of Plato. The meaning is perfectly clear from *Polit.* 293C, 297C, 300C, 301A; *Laws* 713B and 713E: μιμῆσθαι . . . τὸν ἐπὶ τοῦ Κρόνου λεγόμενον βίον . . . τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον. For the implications of this last phrase, cf. *supra*, p. 355, n. 3.

¹¹ The political art like other arts does not as such seek the "good" of the artist: *Rep.* 341-42; implied in *Laws* 875A: δτι πολιτικὴ καὶ ἀληθεὶ τέχνη οὐ τὸ ἴδιον ἀλλὰ τὸ κοινὸν ἀνάγκη μέλει; with ἀληθεὶ τέχνη cf. *Polit.* 295E; cf. also *Gorg.* 463E, 464C with *Laws* 650B.

Plato does not propose a tyranny or an unlimited monarchy, but a mixed government for the polity of his Cretan city,¹ and even the founder himself is conceived as a νομοθέτης ἀνευ τυραννίδος.² The rulers of his *Republic*, however absolute their final authority over the masses, are themselves bound by severe self-denying ordinances and have won their place by a long novitiate of unswerving obedience to law.³ Thus every apparent assertion of the principle of autocracy, whether as an instrument of reform or by way of satire on Athenian democracy,⁴ is qualified and canceled by the passionate intensity of the counter-affirmation that in the actual world salvation is to be found only in the reign of law.⁵ The instinctive judgment of knowledge applied to the particular case may be in theory preferable to the generalized rigidity of written prescription.⁶ But the law is now the inherited tradition of old experience and reflection,⁷ and in a reformed state will be the highest expression of trained intelligence. The only alternative to the reign of law is the reign of faction and partisan greed.

Professor Eduard Meyer also seems to overlook this other side of Plato's shield when he complains⁸ of "die ungeheure Einseitigkeit welche den Staat ausschliesslich auf die Erkenntniss basirt." Plato, it is true, everywhere assumes that statesmanship ought to be more nearly a science than it is, and to this end he proposes to train the best minds of the community for the work of government and the education, in turn, of their successors.⁹ But in a broad view even the *Republic* may be as truly said to be based on virtue, right opinion, and the disciplined habit of obedience to law as on theoretic knowledge.¹⁰ And in the *Laws*, again wilfully straining language, he goes so far as to pronounce these qualities the highest kind of knowledge.¹¹

¹ 712C ff.

³ 429, 503, 537, 540A, 412DE.

² 735D.

⁴ *Polit.* 299.

⁵ *Ibid.* 300A; *Laws* 689B, 691A, 701B = *Rep.* 563D, 714A, 715CD, 729D, 875D, 890A.

⁶ 875C; *Polit.* 295DE, 298CD.

⁷ *Polit.* 300B; cf. *Laws* 844A, 913C, 957A.

⁸ *Gesch. d. Alt.*, V, 376.

⁹ *Rep.* 540B; *Polit.* 309; *Laws* 632C, 769C, 960 ff. This the politicians of today cannot do. Cf. *Meno* 100A.

¹⁰ Plato in fact himself says so, 433CD.

¹¹ 689CD, 691, 696C, 644A; cf. *Menex.* 246E.

The special stress laid upon the idea of law in the *Politicus* and *Laws* may be in part due to the growing conservatism of old age,¹ and the experience of the Greek world between 380 and 350. In the *Republic* Plato does not thus formally discuss the defects and yet the indispensable necessity of generalized law. But there is no reason to suppose that he would at that time have rejected any of the propositions which he happens to emphasize in the later work. Fundamental to both is the antithesis between the true idea of justice² and Thrasymachus' interpretation of the formula, the advantage of the superior.³ The paradoxical communism of the *Republic* is mainly designed to impose disinterestedness on the guardians,⁴ and thus in a measure anticipates the objection of the *Laws* and *Politicus* that human nature cannot endure unlimited power. Aristotle ignores this distinction in his censure of Plato's communism, and modern critics sometimes justify themselves in following his example by the apparently unqualified reaffirmation of the communistic ideal in the *Laws*.⁵ But the passage of the *Laws* in its context is clearly a rhetorical exaltation of that ideal unity of civic feeling which Demosthenes upbraids Aeschines for not sharing, and to which Plato frequently returns as one of the ends of statesmanship,⁶ and tests of the true state. One of the chief criteria in the election of the guardians is their lifelong obedience to law.⁷ And in the *Republic* as in the *Laws* the decline of the state whose principle is liberty begins with the spread of the spirit of lawlessness from music and education to manners, life, and politics,⁸ and the satire on the

¹ 715D: νέος μὲν γὰρ ὢν πᾶς ἄνθρωπος τὰ τοιαῦτα ἀμύλντατα αὐτὸς αὐτοῦ ὀρεῖ, γέρων δὲ ὀξύτατα. But the noble affirmation of the principle in *Crito* 50 ff. is "already" quite in the tone of the *Laws*.

² *Laws* 863E is practically equivalent to *Rep.* 443. With *τυραννίδα* cf. *Rep.* 573D, and with *τὴν τοῦ ἀρίστου δόξαν*, *Phaedo* 99A; *Phaedr.* 237DE.

³ *Rep.* 338-39; *Laws* 714C ff.; cf. *Theaet.* 167C, 172AB. The *ὅπως ἀρξουσιν* of *Rep.* 488D is almost technical for this ideal of government for the maintenance of the party in power. Cf. *Laws* 714C, 962E, and also 697D, 757D. Another formula of it is the familiar "benefit friends and injure enemies."

⁴ 417, 464C, 547C.

⁵ 739C; cf. also *Rep.* 543A.

⁶ Cf. *Laws* 942C and 664A with *Rep.* 423 and 462. He never seriously contemplated a completely communistic state.

⁷ *Supra*, p. 357, n. 3.

⁸ *Rep.* 424; *Laws* 700-701.

democratic liberty that means license is the same in both.¹ The absence, then, from the *Republic* of the formal antithesis between autocratic discretion and written law must be regarded as an accident, unless we are to make it a canon of Platonic criticism, that every idea not explicitly formulated in a given dialogue is either "not yet" apprehended or "no longer" accepted.

The *Laws*, to put the plot in a nutshell, is an elaborate project of legislation for a supposed new colony to be founded by the Cretans in a deserted part of the island, set in a large, loose framework of disquisition on the principles of education and good government, and the philosophy of Greek history, and interrupted, or rather relieved in its necessarily arid detail, by edifying moral and religious discourses and eloquent diatribes against the radicalism and license of the innovating spirit of the age. To appreciate, however, the real logical coherence, if not always artistic unity, that links its infinite detail to its rambling argument, we must first grasp firmly some of the leading ideas that dominate and inform the entire work. There are, of course, if we include restatements of the principles of the *Republic* and the *Politicus*, many such recurrent and guiding ideas: The dependence of all reform on education, and the conception of moral education as the development and inculcation of instinctive right habit and true opinion in relation to pleasure and pain,² the determination of morals by mores,³ the futility of legislation whose spirit and aim is counteracted by the unregulated habits and tastes of private life,⁴ the consequent censorship of education, music, and art,⁵ the subordination of art to ethics,⁶ and the deprecation of change,⁷ the insistence on specialization of function,⁸ and the

¹ *Rep.* 563; *Laws* 698B, 962E.

² 643E, 653AB, 659D, 654D = *Rep.* 401E, 653B = *Rep.* 402A.

³ 706C, 780A, 788B, 790B, 792E, 822E, 808C = 834D, 659C, 793B, 841B, 659E. Unwritten Law 841B, 793A, 838B.

⁴ *Rep.* 426C; *Laws* 780A, 790B.

⁵ *Rep.* 377B = *Laws* 656C; 386B = *Laws* 828D; 396B = *Laws* 669D; 398A, 568BC = *Laws* 656C, 817BC; 399AB = *Laws* 814E, 660A, 655AB, 812C.

⁶ Plato anticipates Aristotle with *ὡς ἐν παιδείᾳ μόρῃ* (656B), and forestalls Croce with *ὁμοιοῦσθαι . . . ἀνάγκη τὸν χαίροντα ὀποτέροις ἂν χαίρῃ* (*ibid.*). Cf. 669B: *ἥθη κακὰ φιλοφρονούμενος*; *Rep.* 395C, 607A.

⁷ 797, 799, 656, 819A; *Rep.* 380, 424C.

⁸ 846D ff.; cf. *Rep.* 370B, 374A, 394E, 395, 423D, 433A, 553E.

subjection of all life and action to austere discipline and regulation,¹ the anticipation of the Aristotelian doctrine of the mean,² and its application to the theory of a mixed government,³ the denunciation of the unlimited love of money,⁴ the distinction between the self and the things of self, between the three kinds of "goods,"⁵ between the two kinds of equality,⁶ between the good and the necessary.⁷ But for our present purpose, the better understanding of the plot, we need now consider only the three interrelated ideas, that politics is an ethical science, that the true statesman subordinates everything to a conscious unitary moral end, that the prohibitions and penalties of positive law ought to be accompanied by explanatory or hortatory preambles.

1. In what, if any, sense politics is subject to the moral law is still hotly debated, with arguments that have not changed much since Frederick the Great undertook the refutation of Machiavelli. The crucial instance is still as it was for the Callicles of the *Gorgias*,⁸ the bare-faced avowal of the right of the stronger in all international relations, and the acceptance of the victory of the bigger battalions as the survival of the fittest.⁹ All Europe still judges by the principles of Callicles the endeavors of English or American statesmen to deny or extenuate this ugly fact. On this aspect of the question Plato has little more to say. In the *Republic* he proposes to mitigate the cruelties of war between Greeks, but, like Isocrates and Aristotle, he regards the barbarian as the natural enemy.¹⁰ The root of war he finds, with St. Francis, in human greed and cupidity.¹¹ With the reluctant abandonment of the ideal of the state of nature¹² he tacitly accepts war as an unalterable condition of life, even in Utopia.¹³ In the world as it is we must be armed against injustice, he tells us,¹⁴

¹ 942D (cf. *Rep.* 563C), 762, 758, 760A, 807.

² Even in respect to health, 728D, 719, 729, 792C.

³ 712-13, 757-59.

⁴ *Rep.* 373E: ἀπειρον 591D; *Laws* 870A; *Ar. Pol.* 1256b 32.

⁵ 717C, 728D, 743E.

⁷ *Supra*, p. 353, n. 1.

⁶ *Rep.* 558C; *Laws* 757, 744C.

⁸ 483D.

⁹ *Laws* 638B: νίκας δὲ καὶ ἥττας ἐκτὸς λόγου τὰ νῦν θῶμεν; cf. 890A.

¹⁰ 470C.

¹¹ *Rep.* 373DE.

¹² *Supra*, pp. 348 ff.

¹³ *Laws* 626A: ἦν γὰρ καλοῦσιν οἱ πλείστοι τῶν ἀνθρώπων εἰρήνην, τοῦτ' εἶναι μόνον ὄνομα, etc.

¹⁴ *Laws* 829A, 731B.

and the passages in which he warns us that we hold all other "goods" by the tenure of "virtue," in the sense of personal bravery, would please modern militarists.¹ Though the end of war is peace,² he is as positive as they can be that we can attain it only if in peace we prepare for war. And, anticipating modern Germany,³ the *Republic* and *Laws* make a virtue of this necessity, and base education⁴ and the discipline of life largely on unremitting preparation and ever-present readiness for this supreme test of manly worth.⁵ These utterances are in apparent contradiction of his previous rejection of victory as the test, of his sharp censure of the military constitution of Sparta,⁶ and the low place assigned to merely animal courage throughout the *Laws*.⁷ But it is a contradiction which, for us as for Plato, is involved in the acceptance of war. The bravery of his happy warriors is more than animal courage. And though in Greek history the just cause sometimes suffered defeat,⁸ he might well affirm that his little band of citizens could maintain their liberties ἐν κλύδωνι τῶν ἄλλων πόλεων⁹ only through a valor, a discipline, and a vigilance based on perfect virtue.¹⁰

Within the state the general problem has two aspects, the morality of the means by which power is attained and the ends for which it is used. Plato is not careful to distinguish the two questions. For his fantastic literary hypothesis of a benevolent tyrant has no effect on his healthy Greek abhorrence of the tyrant of experience.¹¹ He finds no occasion for the casuistic psychology of Browning's "Saviour of Society" or of the modern historian's rehabilitation of Sulla. He takes it for granted that power unscrupulously achieved

¹ *Menex.* 246E; *Polit.* 307E; *Laws* 626B, 829A.

² *Laws* 628D.

³ Maneuvers: *Laws* 829; German student duels and American football: 830E-31A.

⁴ *Rep.* 374, 395BC, 404A, 416D, 453B, 467, 522E, 525BC, 526D, 537A, 543A; *Laws* 758B, 760-62, 795BC, 796, 813D, 829, 833A, 942BC.

⁵ 626A: τοῦτο καὶ ἐν εἰρήνῃ δραστέον.

⁶ 660E. The "inconsistency" with 630D and 712E hardly requires explanation for an intelligent reader.

⁷ 630B, 963E.

⁹ 758A.

⁸ *Laws* 638B.

¹⁰ 829A.

¹¹ Cf. closely the language of *Rep.* 502B with that of 565E.

will be selfishly used. He assumes that the politicians and demagogues who disdain no means of winning office will govern the state in the interest of self or party. All existing states are condemned in his eyes by the fact that not the common weal but to benefit friends and injure enemies is their conception of the end of government and their definition of justice.¹ They are not politics but factions,² and, precisely because for such politicians politics is the art of seizing the helm of the ship of state, they scorn the philosopher who gives his mind solely to the science of navigating the ship.³

Deeper goes the question, What, for the ends of government, is the common weal? Is it victory in war, wealth, luxury, power, personal liberty, character, or the moral betterment of the citizens?⁴ Here Plato parts company from the modern liberal who, proclaiming that it is impossible to make men virtuous by act of parliament, would limit the functions of the state to the protection of the citizen at home and abroad, the enforcement of contracts, and the administration of justice in the external⁵ and vulgar⁶ sense of the word. For Plato the end is to produce good men absolutely,⁷ not, except in a reformed state, good citizens relatively to the government and the party in power.⁸ On this issue in his idealistic moods he admits no compromise. "Watch me," says the Athenian, "if I propose a single law that looks to any other end."⁹ The imperialistic statesmen of the Athenian prime were more efficient and perhaps more honest

¹ *Supra*, p. 358, n. 3.

² *Laws* 712E: οὐκ εἰσὶν πολιτεῖαι; 832B: τὰς οὐ πολιτείας; *Rep.* 497B: οὐδ' ἡντινοῦν.

³ Cf. in *Class. Rev.*, June, 1906, 247, my interpretation of the allegory of the ship, *Rep.* 488. *Polit.* 499B repeats *Rep.* 488E. In his own state Plato punishes with death unauthorized πολυπραγμαίνειν περὶ τοῦ νόμου. Cf. *Laws* 952D. But the suppression of free inquiry by the mob of Athens is a very different matter. As against the ordinary Athenian Philistine or politician Plato almost sympathizes with the Sophists. See his treatment of Anytus in *Meno* 92BC. Sophistry is after all more akin to philosophy than is mere rhetoric. *Gorg.* 520B: τῇ δὲ ἀληθείᾳ κάλλιον ἐστὶν σοφιστικῇ ῥητορικῇ; cf. *Gorg.* 465C; *Sophist* 230-31; *Euthydem.* 305D.

⁴ *Laws* 632C, 962DE; *Rep.* 562AB.

⁵ *Rep.* 433E.

⁶ *Rep.* 442E: τὰ φορτικά.

⁷ *Rep.* 630C: ἥν τις δικαιοσύνην ἀν τελέαν ὀνομάσειεν.

⁸ Cf. Aristotle's discussion of this distinction, *Politics* 1276b 30 ff., 1238a 37.

⁹ *Laws* 705E.

than their feeble successors.¹ But intellectually and morally they stood on the level of the constituents whom they flattered.² They were ministers of the people's desire, not educators of its will.³ They gave the citizens docks and arsenals instead of soberness and righteousness, and they could not teach their knack, such as it was, to their sons or successors.⁴ The true political art is the care and charge of souls.⁵ The genuine statesman persuades the many to right opinion, and can teach the few by knowledge to carry on his work. In this sense Socrates, prototype of the guardians of the *Republic* and *Laws*, is Athens' only master of the political art—the only one who never loses sight of the end,⁶ the only one who begins at the true beginning.⁷

With these ends in view Plato in his Utopian constructions goes beyond even the practice of the normal Greek πόλις in the subordination of the individual to the common weal.⁸ His object, however, is not the socialistic equalization of the "good things" of life (τὰ λεγόμενα ἀγαθὰ),⁹ but the enforced disinterestedness of the rulers,¹⁰ and the complete self-realization of every type of man in limitation to his own proper sphere and task.¹¹ This higher division of labor, of which the economic is a symbol,¹² is the unifying principle that resolves the antinomies of the definitions of the virtues which the minor dialogues dramatically left as unresolved ἀπορίαι. It is the

¹ *Gorg.* 517B; *Meno* 93A.

² *Polit.* 275C, 292D; *Rep.* 489C, 426D; *Gorg.* 513B.

³ *Gorg.* 517B; cf. *Laws* 687E; *Rep.* 426C, 494A.

⁴ *Supra*, p. 357, n. 9.

⁵ *Laws* 650B; *Laches* 185E; *Gorg.* 463E, 464C, 513E.

⁶ *Gorg.* 521D, 507D, 515B, 504DE.

⁷ *Euthyphro* 2C: καὶ φαίνεται μοι τῶν πολιτικῶν μόνος ἀρχεσθαι ὁρθῶς; cf. *Laws* 631A.

⁸ See the well-known utterances of Demosthenes and the tragedians, and Aristotle *Politics* 1337a 27: ἅμα δὲ οὐδὲ χρὴ νομίζειν αὐτὸν αὐτοῦ τίνα εἶναι τῶν πολιτῶν, ἀλλὰ πάντας τῆς πόλεως; cf. *Rep.* 420, 466, 519–20, 414E; *Laws* 804D: ὡς τῆς πόλεως μάλλον ἢ τῶν γεννητόρων οὐκ; 923B: καὶ ἔτι μάλλον τῆς πόλεως εἶναι τό τε γένος πᾶν καὶ τὴν οὐσίαν; 740A, 930B = *Rep.* 460E: τί κτεν τῇ πόλει.

⁹ Cf. the satire of this ideal in *Rep.* 420E.

¹⁰ *Supra*, p. 358, n. 4.

¹¹ *Rep.* 420D, 421C, 423D, 466B; *Laws* 807C, 846D.

¹² *Rep.* 443B ff.; cf. *Charm.* 161–64.

inner root of justice, of the soberness and righteousness which Plato never wearies of reaffirming is the health and happiness, not only of the state, but of the individual. He thus returns in the end to a modified form of the Eudaemonism, not to call it Utilitarianism or Hedonism, which he first formulated partly as a dialectical exercise in the *Protagoras*,¹ and eloquently repudiated as a conscious motive of conduct in the *Gorgias* and *Phaedo*. There is no inconsistency or change of view. Plato, like Jowett and Matthew Arnold, dislikes the word "pleasure."² But he does not attempt to deny the logical absurdity of a conscious being deliberately choosing a preponderance of disagreeable feeling in his life.³ The *Laws*, taking up again the challenge of Glaucon and Adeimantus,⁴ repeats the exact argument of the *Protagoras*,⁵ with a hint of its qualification and reinforcement by the *Philebus*.⁶ But though pleasure and the greatest happiness are the result, and on a challenge must be acknowledged as the end, Plato still refuses to contemplate them as the aim. That must be described as the attainment of the good, or co-operation and harmony with God,⁷ or, less transcendently, as the realization of the virtues in self-controlled, beautiful, and orderly human lives.⁸ The goal is not to be lightly won.⁹ But the prize is worth whatever it may cost¹⁰ in the sacrifice of the liberty of caprice,¹¹ the assertion of

¹ The interpretation of the *Protagoras* proposed in my *Unity of Plato's Thought*, 21, has not, I think, been refuted. One eminent scholar affirms in general terms that no philosophical idea can be extracted from the dialogue, but he offers no evidence. Others think that I exaggerate Plato's later concessions to Utilitarianism or Hedonism. But that is, perhaps, because, being unacquainted with the long English Utilitarian controversy, they overlook the finer qualifications and distinctions of terminology, and rely on the general tone and temper of the *Gorgias* and *Phaedo*.

² *Laws* 667E.

⁴ 662DE; cf. *Rep.* 362E.

³ 733A.

⁵ 733.

⁶ 733E-34A; cf. *Rep.* 581E, 583-85.

⁷ 716BC, 906AB; *Theaet.* 176B; *Phaedr.* 274A; cf. also *Rep.* 501B, 589D; the true ἀνδρείκελον is the θεῖον; 613B.

⁸ *Rep.* 501B-C, 500D: ἃ ἐκεῖ ὁρᾷ . . . εἰς ἀνθρώπων ἥθη . . . τιθέναι . . . δημιουργόν . . . σωφροσύνης τε καὶ δικαιοσύνης καὶ ξυμπάσης τῆς δημοτικῆς ἀρετῆς; *Polit.* 309CD, 311A-C; *Laws* 817B, 807-8, 829A.

⁹ *Rep.* 608B: μέγας . . . ὁ ἀγών . . . τὸ χρηστὸν ἢ κακὸν γενέσθαι; *Gorg.* 526E; *Phaedo* 107C; *Laws* 718D: οὐ γὰρ πολλή τις εὐπέτεια, etc.; 807D.

¹⁰ *Laws* 770E.

¹¹ *Rep.* 558C, and 563 with 492E, 557B; 561D with 458E, ἀτάκτως, and *Laws* 807D: τάξιν δεῖ γίγνεσθαι πᾶσιν τοῖς ἐλευθέροις.

personal rights,¹ the indulgence of natural instincts,² and even the Greek love of beauty³ and the flattering allurements of the versatile and honied muse.⁴ We are athletes⁵ in training to run for a more than earthly or Olympic crown.⁶ We are ourselves enactors of a tragedy fraught with deepest issues,⁷ and we cannot permit even the art of Homer or Sophocles to relax our temper,⁸ unsettle our convictions, and untune us for our parts.⁹

It is not easy and not necessary here to distinguish the abiding from the merely historical significance of this teaching. In Plato, as in Wordsworth, Carlyle, and Ruskin, the first eloquent protest against the license of an emancipated age, intoxicated with liberty¹⁰ and the new thought,¹¹ hardened with advancing years into what he himself styles *λοιδορεῖν* . . . *πράγματα ἀνίατα* (*Laws* 660C) and a hostile critic might describe as the impotent railing of reaction. Modern liberal historians naturally do not sympathize with Plato's condemnation of the Periclean ideal¹² in the light of post-Periclean experience. But it was in essence the judgment of Isocrates, Aristotle, and of nearly all serious thinkers of the fourth century except the popular orators. I need not here repeat what I have elsewhere said on this topic in commenting on Thucydides and the *Timaeus*.

The eloquence of the ethical and religious discourses disseminated through the *Laws*¹³ does not appeal to a generation which is impatient of all moral admonition, and which prefers epigrams against the seventh commandment to disquisitions on the beauty of holiness.

¹ *Laws* 922D; *Rep.* 556A.

² 839.

³ 727D; cf. the perhaps half-humorous *ἐὰν καὶ μὴ μουσικὰ πεφύκη* of 829D.

⁴ *Rep.* 607A = *Laws* 802C.

⁵ 830A; *Rep.* 403E; cf. *Laches* 182A.

⁶ *Rep.* 465D, 540; *Laws* 807C, 840A, 946-47.

⁷ 817B.

⁹ *Rep.* 604, 606AB, 388D.

⁸ *Rep.* 387C, 411B.

¹⁰ *Rep.* 562D; *Laws* 698B, 701BC.

¹¹ *Laws* 886D: *τὰ δὲ τῶν νέων ἡμῶν καὶ σοφῶν*; 888A, 889-90; *Phaedr.* 245C: *δεινοῖς*, etc.; 275B: *ὥσπερ ὑμεῖς οἱ νέοι*; *Laws* 881A; *Theaet.* 180D and *passim*.

¹² In patriotic moods (*Menex.* 238-39), or in criticism of Sparta (*Laws* 634A), he himself does not disdain the topics of the Periclean Funeral Oration.

¹³ 631B, 661, 716, 721B, 726-34E, 783C, 806E, 854A-C, 903-906, 916D ff., 923A ff., 937A.

But it is hardly possible to exaggerate their influence on the later ethical literature of the Greeks which found in them endless texts for edifying paraphrase. We have lost that innocent Stoic and neo-Pythagorean faith in precepts which would make invincible the heart that cons them. But Plato anticipates our irony with the apology that in an age of transition and disintegration of all traditional restraints even the slightest reinforcement of the moral sense by good words is worth the hazard of the skeptic's scorn.¹

2. These little sermons are woven into the design of the *Laws* by virtue of the two principles, that the lawgiver must always keep in view his conscious moral purpose and that every law should have a persuasive preamble. The first we have in large measure anticipated. The idea of the σκοπός or τέλος, though especially emphasized in the *Laws*, is not peculiar to that treatise. It is the real object of quest in all attempts of the dialogues of search to define the true political or royal art.² It is of frequent recurrence in the *Republic*.³ It is at least implied in the *Politicus*.⁴ The *Laws* merely repeats it with the insistence of old age dwelling upon lifelong conviction.⁵ Plato varies the expression, he tells us, but he always has the same end in view, whether he describes it as soberness and righteousness, friendship and harmony, or the only true wisdom.⁶

3. The idea of the Proem cannot be traced in this way through the dialogues. It is not a fundamental principle, but in one aspect a question of expediency in the drafting of legislation and in another a recurrent literary image employed to justify what otherwise might seem irrelevant digression from the titular theme. The word may of course sometimes be used in a purely matter-of-fact and conventional way.⁷ The image was suggested by the analogy of music. Its transference to law was aided by the double meaning of νόμος on

¹ 718D, 890D, 907C.

² *Meno* 91A; *Euthydem.* 291B, 291DE; *Protag.* 318E with *Rep.* 428B; *Protag.* 321D ff.; *Gorg.* 455B with 504D, 507D, 503DE *εἰκῆ*, with *Laws* 635E.

³ 420B, 484CD, 501B, 519C, 506A, 540A.

⁴ 293C *ἄρον*, 308E, 310E.

⁵ 625E, 626B, *ἄρος* 628C, 630C, 635E, 688A, 693B, 705E, 707D, 714B, 717A, 743C, 757D, 770D, 962A, 962D.

⁶ 693BC. Cf. *supra*, p. 357, n. 11.

⁷ E.g., *Rep.* 357A; *Laws* 722D.

which Plato repeatedly plays in both the *Republic* and the *Laws*.¹ The validity of the idea has been endlessly debated from Milton and Turgot to the present day, and we need not delay here for the history of the controversy. To the hard-headed jurists who define law as the command of a political superior to a political inferior, the hortatory preamble seems only to weaken the force of the positive enactment and to confuse the distinct spheres of ethics and law.² Plato already knows their definition,³ and replies to their objections that his object is not merely to legislate but to teach,⁴ and that he is unwilling to renounce the hope of even a slight effect of edification. All depends perhaps on the complication of the society, the technicality of the laws, and the likelihood, which Plato assumed, of their use as textbooks in education.⁵ For Plato the laws are a species of literature,⁶ and in this, as elsewhere, anticipating the point of view of an old-fashioned Roman, he affirms that they must be safer teachers and sounder critics of life than any poet.⁷ Though the conception of the prelude or preamble is generalized from music, Plato associates it in the *Laws* rather with the proem of the rhetor whose object is to conciliate the good will and attention of the hearers and make them more plastic to the main argument. For rhetoric, rejected in the *Gorgias* as the flattering counterfeit of *δικανική*, is accepted in the *Politicus*⁸ and *Laws* as the handmaid of true statesmanship.⁹ The association with rhetoric is apparent from the words with which the idea is introduced in 718D: *τὸν ἀκούοντα, ὅπερ φασίν, εὐμενέστερον γιγνόμενον εὐμαθέστερον ἀπεργάζεται.*¹⁰ Compare fur-

¹ *Rep.* 424D, *παρὰνομία*; *Laws* 700D, 701A.

² 857D, 891D: *νομοθεσίας ἐκτὸς . . . βάλειν*.

³ 723A: *τὴν ἐπίταξιν, ὃ δὲ ἐστὶν ὁ νόμος*.

⁴ 857E, 880E, 788A, 770A, 730B, 724B.

⁵ 811D; cf. 957C.

⁶ 891A; cf. *Phaedr.* 258 ff. Being written they may be studied till even the dullest understands. The apparent "contradiction" between this and the standpoint of *Phaedr.* 275D need not disturb us. It is enough, however, to prove the spuriousness of the silly exaggeration of the *Phaedrus* passage in *Epistles* vii. 344.

⁷ 941C, 858D, 964C, 817C.

⁸ 304CD.

⁹ The Socrates of the *Gorgias* says: *ἀλλ' οὐ πώποτε σὺ ταύτην εἶδες τὴν ῥητορικὴν*.

¹⁰ I have emended *φησὶν* to *φασὶν* and inserted commas. *τὸν ἀκούοντα ὅπερ φησὶν* is hardly Greek. The parenthetical *ὅπερ φασὶν* introduces the virtual quotation of the rhetoricians' definition of the purpose of the proem. Cf. the use of *ὡς φασιν*, 716C.

ther 723D and 730B, *εὐηνίους μᾶλλον καὶ εὐμενέϊς*, and perhaps the half-technical use of *σχῆμα* in 718C. The exhortation addressed to the first colonists of the new city in 716 ff., Plato says, is a sample of many things which a legislator who shares his moral purpose must make opportunity to say, but which do not suit the *σχῆμα* of positive law.¹ Plato is inexhaustible in illustration of this idea. The unexplained *sic volo sic jubeo* of the legislator is the method of the empiric slave doctor who prescribes a treatment without vouchsafing explanation and bounces away to the next case.² The lawgiver who first seeks to persuade resembles the physician who consults with his patient and both learns and teaches.³ To the objection that this is education, not the practice of medicine, Plato replies that his purpose is to educate. The true legislator is the kindly parent who exhausts admonition before resorting to threats and force.⁴ This distinction, he argues in 719–20, must be observed throughout the laws, and he proceeds to exemplify it further by a specimen law of marriage, accompanied by a proem, embodying the ideas of the *Symposium*.⁵ The law and the proem are repeated in substance in the body of the *Laws*.⁶ Here they merely illustrate the principle. In 722DE he generalizes the conception of the proem or prelude and claims originality for the application of it to law. All previous systems of legislation, he elsewhere tells us, are defective through their neglect of this principle.⁷ The discourse addressed to the new citizens on the honors due to the gods and their parents⁸ was an unconscious proem to the whole body of the *Laws*.⁹ Plato proposes to complete it with a conscious proem on the right conduct of life in relation to our souls, our bodies, and our possessions. This, which occupies the first half of the fifth book,¹⁰ is a compendium of ethical philosophy recalling, though not slavishly, many of the motives of the *Gorgias*, *Phaedo*, and *Republic*. The proem to the *Laws* as a

¹ 718B.² 720C, 857C.³ Note the parallel and the contrast with the false rhetoric of the *Gorgias*, which boasts that it is more persuasive than the physician himself (456BC).⁴ 859A.⁶ 773–74.⁵ 721.⁷ 857C.⁸ 716–18.⁹ 723D: *ὅν οὐχ ὡς προοιμαζόμενος εἶπες τότε*.¹⁰ 726–34E.

whole is thus finished,¹ though it is to be observed that the entire treatise on natural theology which fills the tenth book is not only a special prologue to the law of impiety,² but, in some sort, an indispensable proem of all legislation.³ The long disquisition on the application in criminal law of the distinction between voluntary and involuntary acts is justified as an explanatory proem.⁴ The function of the proem is sometimes further defined to be the recommendation of counsels of perfection or the discussion of minutiae of conduct and life, which, if put in the form of positive prescription, would provoke ridicule or impatience.⁵ The truly law-abiding citizen not only obeys the letter, but conforms to the spirit of the laws.⁶ Thus most of the moralizing and philosophical digressions in the *Laws* are treated explicitly or by implication as proems.⁷

An interesting minor feature in the use of this motive in the literary economy of the *Laws* is the ingeniously varied formula of transition from the proem to the law, always so worded as to imply the hope that the admonition, the counsel, the explanatory reason will suffice, and the threats and penalties of the law will be superfluous.⁸

With these and similar clues to guide him, an attentive reader will soon find his way in the apparently labyrinthine structure of the *Laws*, and will have less difficulty in apprehending the essential unity and coherency of the treatise than in understanding the criticism that refuses to accept it as Plato's substantially finished work.⁹

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¹ 734E.⁴ 857, 860-61.² 907D.⁵ 718B, 773C, 790A, 800B.³ 887C; cf. 885B and 881A.⁶ 822E.⁷ 806E ff. is an exception.⁸ 721C, 745A, 774D, 785A, 800A, 843A, 854C, 871A, 880A, 907D, 917B, 923C, 932A, 938A, 943A, 960A.⁹ Subsequent papers will deal more fully with the plot of the *Laws*, with the other topics announced above (p. 347), and with the recent literature of the subject.